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9 FIDELITY CAPITAL FUNDING, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

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11 WASHINGTON MUTUAL BANK, a federal savings bank, as successor at law to Long Beach Mortgage Company, Plaintiff, v. FIDELITY CAPITAL FUNDING, INC., a California corporation Defendant.) CASE NO. CV 08 1407 EMC
12) STIPULATION ; ORDER
13) Action Filed: March 12, 2008
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16)
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LEWIS BRISBOIS BISGAARD & SMITH LLP
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SAN FRANCISCO, CALIFORNIA 94104
TELEPHONE (415) 362-2580

1 Plaintiff WASHINGTON MUTUAL BANK, as successor at law to Long Beach Mortgage
2 Company, and Defendant FIDELITY CAPITAL FUNDING, INC., hereby stipulate that defendant
3 Fidelity Capital Funding, Inc. shall have up to, and including, April 28, 2008 to file its response to the
4 Complaint in this action.

5 It is so agreed:

6 DATED: April 23, 2008

WASHINGTON MUTUAL BANK

7 By

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9 NOEL S. JOHNSON
10 Office of the General Counsel
11 WASHINGTON MUTUAL BANK

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13 DATED: April 21, 2008

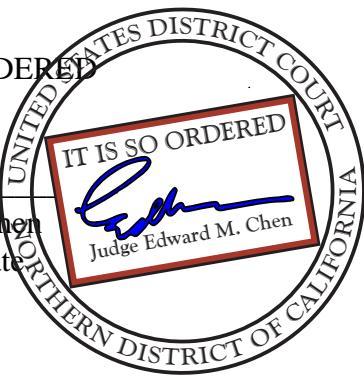
LEWIS BRISBOIS BISGAARD & SMITH LLP

14 By

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16 WILLIAM P. BURANICH
17 Attorneys for Defendant
18 FIDELITY CAPITAL FUNDING, INC.

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20 IT IS SO ORDERED

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22 Edward M. Chen
23 U.S. Magistrate
24 Judge



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4851-3846-5282.1

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STIPULATION
CASE NO. CV 08 1407 EMC